



ADVANCING GLOBAL COMMUNICATIONS

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April 20, 2007

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311.

Dear Chairman Martin:

The Telecommunications Industry Association (TIA) applauds the Federal Communications Commission (“Commission”) for its review of the video marketplace and for its decision to best utilize its authority to promote and ensure the realization of a highly competitive broadband video market. TIA agrees with the Commission that video entry and applications are an enormously critical driver of demand for broadband connectivity and a critical component of the business case for investment in next-generation communications networks.

In its Further Notice of Proposed Rulemaking (FNPRM)¹, in the above-captioned docket, the Commission suggests that its recently adopted measures to reform aspects of the local franchising process should be extended to incumbent cable operators as they renew their existing franchise agreements. Specifically, in the Section 621 Order, the Commission adopted several

¹ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, 22 FCC Rcd 5101 (2007), 72 Federal Register 13230 (March 21, 2007)(“Section 621 Order”).

measures to address a variety of means by which local franchising authorities (“LFAs”) are unreasonably refusing to award competitive franchises to new entrants, contrary to Congress’ directives in Section 621(a). TIA previously filed comments in the Section 621 Order.² In lieu of detailed comments in this FNPRM, TIA hereby re-submits its *Policy Proposal on Video Programming Distribution*, attached hereto as Appendix A.

TIA respectfully offers its proposal for the Commission’s consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Seiffert", with a stylized flourish at the end.

Grant Seiffert
President

cc:

Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate

² TIA Comments, filed February 13, 2006.

Appendix A



Policy Proposal on Video Programming Distribution

Preamble

- Broadband deployment (at current and next-generation speeds) is critical to the nation for social and economic reasons.
- Investment in new, competing networks benefits consumers and the economy.
- Public policy should promote the deployment of, and competition among, diverse broadband platforms and the voice, video and data applications and services they enable.
- Regulatory barriers can discourage and/or impede investment in networks, while deregulation leads to increased investment, competition and innovation.
- The local franchise process is a regulatory barrier to entry that impedes timely investment in new facilities and capabilities, slowing delivery of competitive and innovative services to consumers. This process requires service providers to negotiate and obtain individual and unique authorizations in as many as 30,000 jurisdictions.

Proposal

- The local franchise process should be replaced with a uniform, federal system that will be managed by the FCC with limited input by existing local franchise authorities.
- New Entrants
 - New entrants may obtain authority to distribute video programming by registering with the FCC. Registrants will immediately be permitted to provide such services nationwide.
 - Local franchise authorities (LFAs) will retain limited authority. An LFA may require a national Registrant to negotiate specific obligations on fees, PEG channels, and consumer protection. Disputes between the Registrant and the franchise authority can be arbitrated by the FCC.
- Existing Providers
 - Existing Providers may obtain national authority to enter new markets immediately.
 - Existing Providers may replace their current franchise agreements with a national authority on a franchise-by-franchise basis upon the sooner of: (1) A finding by the FCC that the franchise area is competitive (2) a showing to the FCC that a New Entrant had entered the market and its product is offered and available, or (3) an established date in the future.